

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOEL LANCE NEIMAN	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	
	:	NO. 09-4472
MICHAEL J. ASTRUE,	:	
Commissioner of Social Security	:	
Defendant.	:	

ORDER

AND NOW, this 7th day of March, 2011, upon consideration of plaintiff's Motion for Summary Judgment and Brief and Statement of Issues in Support of Request for Review (Document No. 9, filed January 15, 2010), defendant's Response to Request for Review of Plaintiff (Document No. 10, filed February 16, 2010), plaintiff's Brief Reply to the Brief in Response of Defendant to Plaintiff's Request for Review (Document No. 12, filed February 26, 2010), after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated September 21, 2010, plaintiff's Objections to the Magistrate Judge's Report and Recommendations (Document No. 14, filed October 8, 2010), and defendant's Response and Brief in Response to Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (Document No. 15, filed October 18, 2010), for the reasons stated in the Memorandum dated March 7th, 2011, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey is **REJECTED**;
2. Plaintiff's Objections to the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey are **SUSTAINED**; and
3. Plaintiff's Motion for Summary Judgment and Request for Review is **GRANTED IN PART** and the case is **REMANDED** to the Commissioner of Social Security pursuant to the

fourth and sixth sentences of 42 U.S.C. § 405(g) for further review of the medical evidence with regard to plaintiff's Asberger's syndrome and consideration of the July 1, 2009 report prepared by Judith Hammet-Kelly and the June 24, 2009 letter of Traci L. Plunkett. Plaintiff's Motion for Summary Judgment and Request for Review is **DENIED** in all other respects.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.